

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3649 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.L.GOKHALE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BAI BAJI WD/O. MANGAJI FULAJI

Versus

COMPETENT AUTHORITY AND DY COLLECTOR (ULC)

Appearance:

MR GM JOSHI for Petitioner
MR MA BUKHARI ASSTT. GOVERNMENT PLEADER
for Respondent No. 1

CORAM : MR.JUSTICE H.L.GOKHALE

Date of decision: 17/09/97

ORAL JUDGEMENT

Rule was issued on this petition on 7/5/1997 and Interim relief was granted in terms of prayer clause 9(D). The petitioner's land has been held to be excess to the tune of 227.31 sq.mts. situated at Urban Agglomeration of Ahmedabad. Mr. Joshi, learned advocate appearing for the petitioner relied upon the Government Resolution dt. 29/6/1977 under which each persons

holdings in excess is permitted to hold 10% margin land in city of Ahmedabad and it is specifically mentioned about 1100 sq.mts. of land. In the instant case, number of claimants are 7. So prima facie, this 227.31 sq.mts will get distributed amongst them. In any event, Mr. Bukhari submits that it will be for the competent authority to look into the matter. Hence Rule is made absolute and the orders of the authority below holding these lands in excess are set aside. The authority will re-examine the matter in the light of the Government Resolution dt. 29/6/1977 and in view of the above observation. There will be no order as to costs.

Date: 17/9/1997. (H.L.GOKHALE,J.)

(ccs)